

ASSEMBLY BILL

No. 2507

Introduced by Assembly Member Audra Strickland

February 19, 2010

An act to amend Section 116275 of, and to add Section 116331 to, the Health and Safety Code, relating to drinking water.

LEGISLATIVE COUNSEL'S DIGEST

AB 2507, as introduced, Audra Strickland. Local small water systems: local health officer: enforcement.

Existing law, known as the California Safe Drinking Water Act, requires the State Department of Public Health to administer provisions relating to the regulation of drinking water to protect public health, including, but not limited to, conducting research, studies, and demonstration programs relating to the provision of a dependable, safe supply of drinking water, enforcing the federal Safe Drinking Water Act, adoption of enforcement regulations, and conducting studies and investigations to assess the quality of water in domestic water supplies. Existing law authorizes the department to enter into delegate primacy delegation agreements with local health officers for enforcement of these provisions.

Existing law authorizes the department to establish less stringent requirements applicable to state small water systems, as defined, and requires local health officers to enforce those standards.

This bill would, notwithstanding provisions of law to the contrary, require the local public health officer to establish standards for, and be the primary enforcement agency over, local small water systems, as defined. By imposing these new requirements on local agencies, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement shall be made pursuant to these statutory provisions for costs mandated by the state pursuant to this act, but would recognize that local agencies and school districts may pursue any available remedies to seek reimbursement for these costs.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 116275 of the Health and Safety Code
2 is amended to read:
3 116275. As used in this chapter:
4 (a) “Contaminant” means any physical, chemical, biological,
5 or radiological substance or matter in water.
6 (b) “Department” means the State Department of *Public Health*
7 ~~Services~~.
8 (c) “Primary drinking water standards” means *all of the*
9 *following*:
10 (1) Maximum levels of contaminants that, in the judgment of
11 the department, may have an adverse effect on the health of
12 persons.
13 (2) Specific treatment techniques adopted by the department in
14 lieu of maximum contaminant levels pursuant to subdivision (j)
15 of Section 116365.
16 (3) The monitoring and reporting requirements as specified in
17 regulations adopted by the department that pertain to maximum
18 contaminant levels.
19 (d) “Secondary drinking water standards” means standards that
20 specify maximum contaminant levels that, in the judgment of the
21 department, are necessary to protect the public welfare. Secondary
22 drinking water standards may apply to any contaminant in drinking
23 water that may adversely affect the odor or appearance of the water
24 and may cause a substantial number of persons served by the public
25 water system to discontinue its use, or that may otherwise adversely
26 affect the public welfare. Regulations establishing secondary
27 drinking water standards may vary according to geographic and

1 other circumstances and may apply to any contaminant in drinking
2 water that adversely affects the taste, odor, or appearance of the
3 water when the standards are necessary to ensure a supply of pure,
4 wholesome, and potable water.

5 (e) “Human consumption” means the use of water for drinking,
6 bathing or showering, hand washing, or oral hygiene.

7 (f) “Maximum contaminant level” means the maximum
8 permissible level of a contaminant in water.

9 (g) “Person” means an individual, corporation, company,
10 association, partnership, limited liability company, municipality,
11 public utility, or other public body or institution.

12 (h) “Public water system” means a system for the provision of
13 water for human consumption through pipes or other constructed
14 conveyances that has 15 or more service connections or regularly
15 serves at least 25 individuals daily at least 60 days out of the year.
16 A public water system includes the following:

17 (1) Any collection, treatment, storage, and distribution facilities
18 under control of the operator of the system which are used
19 primarily in connection with the system.

20 (2) Any collection or pretreatment storage facilities not under
21 the control of the operator that are used primarily in connection
22 with the system.

23 (3) Any water system that treats water on behalf of one or more
24 public water systems for the purpose of rendering it safe for human
25 consumption.

26 (i) “Community water system” means a public water system
27 that serves at least 15 service connections used by yearlong
28 residents or regularly serves at least 25 yearlong residents of the
29 area served by the system.

30 (j) “Noncommunity water system” means a public water system
31 that is not a community water system.

32 (k) “Nontransient noncommunity water system” means a public
33 water system that is not a community water system and that
34 regularly serves at least 25 of the same persons over six months
35 per year.

36 (l) “Local health officer” means a local health officer appointed
37 pursuant to Section 101000 or a local comprehensive health agency
38 designated by the board of supervisors pursuant to Section 101275
39 to carry out the drinking water program.

(m) “Significant rise in the bacterial count of water” means a rise in the bacterial count of water that the department determines, by regulation, represents an immediate danger to the health of water users.

(n) (1) “State small water system” means a system for the provision of piped water to the public for human consumption that serves at least five, but not more than 14, service connections and does not regularly serve drinking water to more than an average of 25 individuals daily for more than 60 days out of the year.

(2) “Local small water system” means a privately owned system for the provision of piped water to the public for human consumption that serves less than five service connections and does not regularly serve drinking water to more than an average of 25 individuals daily for more than 60 days out of the year.

(o) “Transient noncommunity water system” means a noncommunity water system that does not regularly serve at least 25 of the same persons over six months per year.

(p) “User” means any person using water for domestic purposes. User does not include any person processing, selling, or serving water or operating a public water system.

(q) “Waterworks standards” means regulations adopted by the department that take cognizance of the latest available “Standards of Minimum Requirements for Safe Practice in the Production and Delivery of Water for Domestic Use” adopted by the California section of the American Water Works Association.

(r) “Local primacy agency” means any local health officer that has applied for and received primacy delegation from the department pursuant to Section 116330.

(s) “Service connection” means the point of connection between the customer’s piping or constructed conveyance, and the water system’s meter, service pipe, or constructed conveyance. A connection to a system that delivers water by a constructed conveyance other than a pipe shall not be considered a connection in determining if the system is a public water system if any of the following apply:

(1) The water is used exclusively for purposes other than residential uses, consisting of drinking, bathing, and cooking or other similar uses.

(2) The department determines that alternative water to achieve the equivalent level of public health protection provided by the

1 applicable primary drinking water regulation is provided for
2 residential or similar uses for drinking and cooking.

3 (3) The department determines that the water provided for
4 residential or similar uses for drinking, cooking, and bathing is
5 centrally treated or treated at the point of entry by the provider, a
6 passthrough entity, or the user to achieve the equivalent level of
7 protection provided by the applicable primary drinking water
8 regulations.

9 (t) “Resident” means a person who physically occupies, whether
10 by ownership, rental, lease or other means, the same dwelling for
11 at least 60 days of the year.

12 (u) “Water treatment operator” means a person who has met
13 the requirements for a specific water treatment operator grade
14 pursuant to Section 106875.

15 (v) “Water treatment operator-in-training” means a person who
16 has applied for and passed the written examination given by the
17 department but does not yet meet the experience requirements for
18 a specific water treatment operator grade pursuant to Section
19 106875.

20 (w) “Water distribution operator” means a person who has met
21 the requirements for a specific water distribution operator grade
22 pursuant to Section 106875.

23 (x) “Water treatment plant” means a group or assemblage of
24 structures, equipment, and processes that treats, blends, or
25 conditions the water supply of a public water system for the
26 purpose of meeting primary drinking water standards.

27 (y) “Water distribution system” means any combination of pipes,
28 tanks, pumps, and other physical features that deliver water from
29 the source or water treatment plant to the consumer.

30 (z) “Public health goal” means a goal established by the Office
31 of Environmental Health Hazard Assessment pursuant to
32 subdivision (c) of Section 116365.

33 (aa) “Small community water system” means a community
34 water system that serves no more than 3,300 service connections
35 or a yearlong population of no more than 10,000 persons.

36 (ab) “Disadvantaged community” means the entire service of
37 area of a community water system, or a community therein, in
38 which the median household income is less than 80 percent of the
39 statewide average.

1 SEC. 2. Section 116331 is added to the Health and Safety Code,
2 to read:

3 116331. Notwithstanding provisions of law to the contrary,
4 the local public health officer shall establish the standards
5 applicable to, and shall be the primacy enforcement agency over,
6 local small water systems.

7 SEC. 3. No reimbursement shall be made pursuant to Part 7
8 (commencing with Section 17500) of Division 4 of Title 2 of the
9 Government Code for costs mandated by the state pursuant to this
10 act. It is recognized, however, that a local agency or school district
11 may pursue any remedies to obtain reimbursement available to it
12 under Part 7 (commencing with Section 17500) and any other
13 provisions of law.